

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 0837RF-H562

In Re Application of:

DAVID SEMBRITZKY, ET AL.

Serial No: 10/575,195

Filed: 7 APRIL 2006

For: AXIAL SWAGE ALIGNMENT TOOL

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Examiner: SALONE, BAYAN

Art Unit: 3726

Confirmation No.: 7077

REQUEST FOR REFUND UNDER 37 CFR § 1.26(a)

Filed via EFS-Web

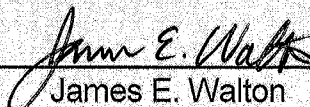
Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

Sir:

This Request for Refund is being filed in response to an erroneous \$300.00 charge on Deposit Account Number 502806. The undersigned hereby requests that a refund of \$300.00 be credited to **Deposit Account No. 502806**.

| CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. § 1.8(a)(1)(i)(B)  |   |
|--|---|
| Date of Transmission:  | <u>9/4/10</u>   |
| I hereby certify that this correspondence is being transmitted to the U.S. Patent and Trademark Office (USPTO) via facsimile to the USPTO's Refund Branch on the date shown above. |   |
| By:  | <u></u><br>James E. Walton |

Our Deposit Account No. 502806 was erroneously charged for an examination fee under 37 C.F.R. § 1.492(c) in the amount of \$200.00 and charged for a search fee under 37 C.F.R. § 1.445(a)(2) for the amount of \$100.00 for a total charge of \$300.00. Attached hereto is a copy of the monthly statement of deposit account indicating a charge of \$200.00 posted on 6/14/10 and a charge of \$100.00 posted on 6/17/10.

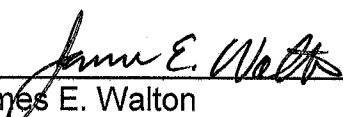
The International Preliminary Report on Patentability for the present application states that all claims, Claims 1-10, of the present application meet the criteria set out in PCT Articles 33(2)-(4). Thus, no examination fee under 37 C.F.R. § 1.492(c) and search fee under 37 C.F.R. § 1.445(a)(2) should be required. Attached hereto is a copy of the International Preliminary Report on Patentability indicating that Claims 1-10 satisfy PCT Articles 33(2)-(4). See page 4.

Therefore, the undersigned hereby requests a refund of \$300.00 to be credited to Deposit Account Number 502806.

This Request for Refund is being filed via the U.S. Patent and Trademark Office's EFS-Web electronic filing system. The undersigned hereby authorizes the Commissioner to credit **Deposit Account No. 502806** for \$300.00.

Respectfully submitted,

Date 9/14/10

  
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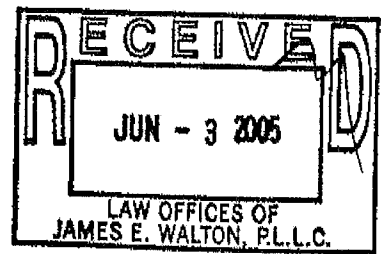
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# PATENT COOPERATION TREATY



From the  
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:  
JAMES E. WALTON  
LAW OFFICES OF JAMES E. WALTON P.L.L.C.  
1169 N. BURLESON BLVD., SUITE 107-328  
BURLESON, TX 76028

## PCT

NOTIFICATION OF TRANSMITTAL OF  
INTERNATIONAL PRELIMINARY  
REPORT ON PATENTABILITY  
(Chapter II of the Patent Cooperation Treaty)

(PCT Rule 71.1)

|   |  |                                |
|---|--|--------------------------------|
| Date of mailing<br>(day/month/year) <b>25 MAY 2005</b>    |  |                                |
| Applicant's or agent's file reference<br><br>0837RF-H562P | <b>IMPORTANT NOTIFICATION</b>  |                                |
| International application No.<br><br>PCT/US04/09828       | International filing date (day/month/year)<br><br>31 March 2004 (31.03.2004) | Priority date (day/month/year) |
| Applicant<br><br>BELL HELICOPTER TEXTRON INC.             |  |                                |

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary report on patentability and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.
4. **REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices)(Article 39(1))(see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the *PCT Applicant's Guide*.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed invention is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

|  |  |
|--|--|
| Name and mailing address of the IPEA/ US<br>Mail Stop PCT, Attn: IPEA/US<br>Commissioner for Patents<br>P.O. Box 1450<br>Alexandria, Virginia 22313-1450<br>Facsimile No. (703) 305-3230 | Authorized officer<br>David P. Bryant <i>J. Hurley</i><br>Telephone No. 703-308-1146 |
|--|--|

# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

|  |   |                                |
|--|---|--------------------------------|
| Applicant's or agent's file reference<br>0837RF-H562P  | <b>FOR FURTHER ACTION</b>   | See Form PCT/IPEA/416          |
| International application No.<br>PCT/US04/09828  | International filing date (day/month/year)<br>31 March 2004 (31.03.2004)                | Priority date (day/month/year) |
| International Patent Classification (IPC) or national classification and IPC<br>IPC(7): B23Q 3/00; B21D 39/00; B23P 19/04; B25B 27/14 and US Cl.: 29/464, 520, 237, 272  |   |                                |
| Applicant<br>BELL HELICOPTER TEXTRON INC.  |   |                                |
| <p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>3</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p style="margin-left: 20px;">a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>2</u> sheets, as follows:</p> <div style="margin-left: 40px;"> <input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).<br/> <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.         </div> <p style="margin-left: 20px;">b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p> <p>4. This report contains indications relating to the following items:</p> <div style="margin-left: 20px;"> <input checked="" type="checkbox"/> Box No. I      Basis of the report<br/> <input type="checkbox"/> Box No. II      Priority<br/> <input type="checkbox"/> Box No. III      Non-establishment of opinion with regard to novelty, inventive step and industrial applicability<br/> <input type="checkbox"/> Box No. IV      Lack of unity of invention<br/> <input checked="" type="checkbox"/> Box No. V      Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement<br/> <input type="checkbox"/> Box No. VI      Certain documents cited<br/> <input type="checkbox"/> Box No. VII      Certain defects in the international application<br/> <input type="checkbox"/> Box No. VIII      Certain observations on the international application         </div> |   |                                |
| Date of submission of the demand<br>24 January 2005 (24.01.2005)   | Date of completion of this report<br>15 April 2005 (15.04.2005)                         |                                |
| Name and mailing address of the IPEA/ US<br>Mail Stop PCT, Attn: IPEA/US<br>Commissioner for Patents<br>P.O. Box 1450<br>Alexandria, Virginia 22313-1450<br>Facsimile No. (703) 305-3230   | Authorized officer<br>David P. Bryant <i>D. P. Bryant</i><br>Telephone No. 703-308-1146 |                                |

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/US04/09828

## Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This report is based on translations from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of:

- ☐ international search (under Rules 12.3 and 23.1(b))  
☐ publication of the international application (under Rule 12.4)  
☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

☐ the international application as originally filed/furnished

☒ the description:

pages 1-5 as originally filed/furnished

pages\* NONE received by this Authority on \_\_\_\_\_

pages\* NONE received by this Authority on \_\_\_\_\_

☒ the claims:

pages NONE as originally filed/furnished

pages\* NONE as amended (together with any statement) under Article 19

pages\* 6 and 7 received by this Authority on 24 January 2005 (24.01.2005)

pages\* NONE received by this Authority on \_\_\_\_\_

☒ the drawings:

pages 1 and 2 as originally filed/furnished

pages\* NONE received by this Authority on \_\_\_\_\_

pages\* NONE received by this Authority on \_\_\_\_\_

☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

☐ the description, pages \_\_\_\_\_

☐ the claims, Nos. \_\_\_\_\_

☐ the drawings, sheets/figs \_\_\_\_\_

☐ the sequence listing (specify): \_\_\_\_\_

☐ any table(s) related to the sequence listing (specify): \_\_\_\_\_

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

☐ the description, pages \_\_\_\_\_

☐ the claims, Nos. \_\_\_\_\_

☐ the drawings, sheets/figs \_\_\_\_\_

☐ the sequence listing (specify): \_\_\_\_\_

☐ any table(s) related to the sequence listing (specify): \_\_\_\_\_

\* If item 4 applies, some or all of those sheets may be marked "superseded."

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.  
PCT/US04/09828**Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. Statement**

|                               |                    |     |
|-------------------------------|--------------------|-----|
| Novelty (N)                   | Claims <u>1-10</u> | YES |
|                               | Claims <u>NONE</u> | NO  |
| Inventive Step (IS)           | Claims <u>1-10</u> | YES |
|                               | Claims <u>NONE</u> | NO  |
| Industrial Applicability (IA) | Claims <u>1-10</u> | YES |
|                               | Claims <u>NONE</u> | NO  |

**2. Citations and Explanations (Rule 70.7)**

Claims 1-6, 9, and 10 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest the claimed bridge member for maintaining the orientation of the tube relative to the fitting during swaging, the bridge member being adhered to the tube and fitting during the swaging process.

Claims 7 and 8 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest the claimed second end portion having the specifically recited first and second curved contact surfaces.

Claims 1-10 meet the criteria set out in PCT Article 33(4), and thus exhibit industrial applicability because the subject matter claimed can be made or used in industry.

Claims

1. An axial swage alignment tool for swaging together a tube and a fitting having a swaging collar, the axial swage alignment tool comprising:
  - a housing adapted to engage the fitting;
  - a ram member adapted to engage the swaging collar; and
  - a bridge member for maintaining the orientation of the tube relative to the fitting during swaging, the bridge member being configured for adhesion to the exterior surfaces of the tube and the fitting.
2. The axial swage alignment tool according to claim 1, wherein the bridge member is U-shaped, having curved contact surfaces for mating with the exterior surfaces of the tube and the fitting.
3. The axial swage alignment tool according to claim 2, wherein the contact surfaces are adapted to be temporarily adhered to the exterior surfaces of the tube and the fitting.
4. The axial swage alignment tool according to claim 1 further comprising:
  - a means for actuating the ram member.
5. The axial swage alignment tool according to claim 4, wherein the means for actuating the ram member is a hydraulic power source.
6. The axial swage alignment tool according to claim 4, wherein the means for actuating the ram member is an electro-mechanical power source.



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7. A bridge member for use in swaging together a metal tube and a fitting having a swaging flange, the bridge member comprising:

a first end portion having a curved contact surface for matingly contacting the metal tube;

a second end portion having a first curved contact surface for matingly contacting a longitudinal surface of the fitting and a second curved contact surface for matingly contacting a radial flange surface of the fitting, whereby the orientation of the metal tube relative to the fitting may be maintained; and

a cross piece for connecting the first end portion to the second end portion.

8. The bridge member according to claim 7, wherein the second end portion is configured to mate with the swaging flange.

9. A method of swaging together a metal tube and a fitting having a swaging collar comprising the steps of:

inserting the metal tube into the fitting such that the metal tube is selectively aligned both axially and rotationally with the fitting;

providing a bridge member having a first end and a second end, the first end having a contact surface configured to mate with the exterior surface of the metal tube, the second end having a contact surface configured to mate with the exterior surface of the fitting;

adhering the contact surface of the first end to the metal tube;

adhering the contact surface of the second end to the fitting;

forcing the swaging collar over the fitting;

removing the bridge member from the metal tube and the fitting.

10. The method according to claim 9, wherein the steps of adhering the contact surfaces of the first and second ends to the metal tube and fitting are achieved by using a cyanoacrylate adhesive.

AMENDED SHEET